IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1125 OF 2006

Mr. Dattatraya Yashwant Patil ....Petitioner.

V/s

The State of Maharashtra ....Respondent.

Mr. Ajit Ram Pitale for the applicant.
Ms. M.H. Mhatre, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 28th March, 2006

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned APP for the State.

2. This is an application for anticipatory bail. Initially it was contended that the Petitioner was not a same person who has been mentioned in the FIR which was registered at the Murbad Police Station. Time was therefore granted to APP to file an affidavit. It appears that this was not communicated. The investigating officer, in the meantime, arrested the applicant. The complainant had identified the applicant to be the same person who assaulted him with a knife. The Police Officer has tendered his unconditional apology for arresting the Petitioner

though the order was passed by this Court. It is stated that he was not aware of the order passed by this Court. Apology and explanation given is accepted.

3. Looking at the allegations which were made by the complainant against the present Petitioner, in my view, this is not a fit case for grant of anticipatory bail. It is alleged that the Petitioner on two occasions threatened the complainant that he should not bother one Vinod Narvekar. On the second occasion it is alleged that the accused person came along with three other persons and threatened him by showing chopper and one of them assaulted him with a chopper, as a result of which he has sustained injuries. It is alleged that 3 other people who had accompanied the present Petitioner had assaulted the complainant with a sword.

4. In view of these allegations, in my view, this is not a fit case for grant of anticipatory bail. The application is rejected. The Trial Court may not be influenced by the observations made by this Court in this order and the same should not be considered as an expression of opinion on the merits of the case and shall decide the case on its own merits and in

accordance with law.

5. Application is accordingly disposed of.

V.M. KANADE, J.